

REMARKS

By the foregoing amendment claims 3, 5, 19, 26 and 27 have been cancelled and claims 1, 4, 6-9, 11, 13, 14, 17, 18, 20, 21, 22, 28 and 29 have been amended. Thus, claims 1, 2, 4, 6-18, 20-25, 28 and 29 are in the application.

Claims 1-25 were rejected in the outstanding Office Action under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons set forth on page 2 of the Office Action. Responsive to the rejection, by the above amendments proper antecedent bases have been provided for the phrases lacking antecedent basis as set forth in the rejection. Claims 1 and 17 have also been amended to consistently use the expression “a force-transmitting component” to avoid confusion. In view of these and the other changes in the claims, it is respectfully submitted that the claims as amended are proper under 35 U.S.C. § 112, second paragraph.

Claims 1-7, 10-15, 17, 19, 26 and 27 were rejected in the Office Action under 35 U.S.C. § 102(b) as being anticipated by Bixby, U.S. 5,143,181 as stated on pages 2 and 3 of the Office Action.

Claims 1, 7, 14, 15, 28 and 29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Bennett, U.S. 2,647,675 as stated on page 3 of the Office Action.

Claims 1, 7, 8, 9, 28 and 29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ho, U.S. 4,828,072, as stated on page 4 of the Office Action.

Claims 1 and 9 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Aguilar, U.S. 1,519,748 as set forth on page 4 of the Office Action.

Claims 1, 6, 7, 11, 14, 15, 17 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Freeman, U.S. 5,927,440 as set forth on the last full paragraph on page 4 of the Office Action.

Claim 18 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Ready, U.S. 4,294,332 as stated on page 5 of the Office Action.

Claims 20-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwörer, U.S. 5,000,287, as stated on page 5 of the Office Action.

Claims 20-25 are further rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Ho or Ready in view Schwörer. The references are combined for the reasons and in the manner set forth on pages 5 and 6 of the Office Action.

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ho in view of Schwörer in view of Freeman as stated on page 6 of the Office Action.

These rejections are hereby traversed and reconsideration thereof is respectfully requested in view of the above amendments to the claims and the remarks set forth below.

By the above amendments the improved arrangement for the ascent and/or descent of one or a plurality of persons on an object and the method of using the arrangement of the present invention have been more particularly defined for distinguishing the invention from the cited references. In particular, as recited in claim 1 as amended, the arrangement comprises at least one longitudinally extended rail-like profile having at least one guide

component extending along the profile and a force-transmitting component for the accommodation of force transmission on the profile and/or guide component, and a climbing aid having at least two climbing consoles each having at least one platform or seat as well as a personal safety device and/or a handle, as well as at least one force-transmitting element engaging in or on the force-transmitting component and/or profile and/or a drive, as well as a device holding the element or drive in or on the at least one guide component and/or profile, and wherein each of the climbing consoles is longitudinally extended with a handle arranged at the top end in a direction of ascent and a platform arranged at the downward end. The provision of at least two climbing consoles which are longitudinally extending, each having a handle arranged at the top end in a direction of ascent and a platform arranged at the downward end in accordance with the invention ensures a safe and simple mounting and descending of a person and by combining the handles with the foot platforms a clear coordination of movement is possible, which ensures an additional important safety element. The cited references do not anticipate, 35 U.S.C. § 102, or render obvious, 35 U.S.C. § 103, the invention as recited in the claims as amended.

The patent to Bixby discloses a platform lift apparatus with a single, u-shaped platform 27 with a drive engine to effect raising the lift-like arrangement. The reference does not disclose the aforementioned features of the claims as amended.

The patent to Bennett also shows simply a lift-like arrangement, particularly a fire rescue apparatus, wherein a single rescue vehicle 14 is

moveable on an i-beam 11 built into the wall 10 of a building. Again, the aforementioned features of the amended claims are not disclosed by Burnett.

The patent to Ho discloses a high rise building fire escape/firefighting and building maintenance system. In the system, an occupant 15 is carried on a slider 14 in a lift-like manner down a column 12 on the exterior of a building. The system does not include the aforementioned features of the arrangement of the present invention as recited in the claims as amended.

Aguilar discloses a climbing device comprising two foot consoles. in order to release the pair of rollers 23, the lineman lifts upwardly on a telescopic rod formed of members 35 and 36 and lifts the foot as explained in the patent. Aguilar's climbing device is far more primitive than the arrangement of the present invention, as it has e.g. no handle arranged at the top end of each of the longitudinally extending climbing consoles as in the present invention, and is certainly not as comfortable as the inventive arrangement.

The patent to Freeman discloses a mobile hoist system and method. This is a lift-like system employing a single platform lift 15 which moves up and down a rack 18 to fix to a pole 20, and has nothing in common with the arrangement of the present invention as recited in the claims as amended.


The patent to Schwörer is directed to a displaceable platform moveable sectionwise on a wall. The patent does not teach or suggest a climbing aid with at least two climbing consoles as in the present invention.

In view of the above amendments and remarks, it is respectfully submitted that the claims as amended patentably define, 35 U.S.C. § 102 and

103, over the cited reference. Accordingly, reconsideration and allowance of the amended claims is requested.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 635.45828X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

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